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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3861

11 **TYREE MICHAEL MATTHIAS**  
12 **3937 Hawley Ave.**  
13 **Los Angeles, CA 90032**  
14 **Pharmacy Technician Registration No. TCH**  
**73611**

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about December 21, 2006, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 73611 to Tyree Michael Matthias (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on November 30, 2012, unless renewed.

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license  
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
7 licensee or registrant to perform the functions authorized by his license or registration in a manner  
8 consistent with the public health, safety, or welfare."

9 **COST RECOVERY**

10 9. Section 125.3 states, in pertinent part, that the Board may request the administrative  
11 law judge to direct a licensee found to have committed a violation or violations of the licensing  
12 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
13 case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

16 10. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
17 that Respondent committed burglary. The circumstances are as follows:

18 a. In or about 2008, while working as a Pharmacy Technician at CVS Pharmacy in  
19 Pasadena California, Respondent stole at least 34 bottles of Cialis and 5 bottles of Viagra to resell  
20 for profit. Respondent also placed orders for Cialis directly from the manufacturer at least two  
21 times even though he was not authorized to do so.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Violation of Statute)**

24 11. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that  
25 Respondent committed burglary. Complainant refers to and incorporates all the allegations  
26 contained in paragraph 10, subparagraph a, as though set forth fully.

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1 PRAYER

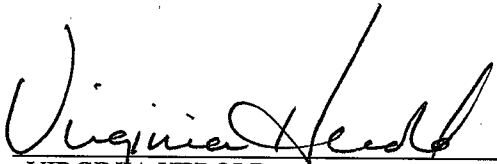
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 73611,  
5 issued to Tyree Michael Matthias;

6 2. Ordering Tyree Michael Matthias to pay the Board of Pharmacy the reasonable costs  
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
8 section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: 1/27/11

  
13 VIRGINIA HEROLD  
14 Executive Officer  
15 Board of Pharmacy  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

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